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October 10, 2019

Via Electronic Mail

Taylor Amarel
MuckRock News
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RE: Public Records Act Request, DOJ No. 2019-01853

Dear Taylor Amarel:

This letter further responds to your request dated August 1, 2019, which was received in the Attorney General's Office also on August 1, 2019, in which you sought records under the California Public Records Act, as set forth in Government Code section 6250 et seq.

Your request seeks the following: "All emails sent to, from, or copied to Kamala Harris, from January 1, 2014 to January 1, 2015 containing any of the following non-case-sensitive key-strings: "Healthcare."

Your request, while specific, has produced thousands of potentially responsive documents that contain the phrase "healthcare" or "health care," and we are continuing our review of them.

Attached herewith is a first production of responsive emails that contain the phrase "healthcare" or "health care," that former Attorney General Kamala Harris was sent, did send, or was copied on, from January 1, 2014, to January 1, 2015. Please note that the fact that she may have received emails from a wide range of listservs does not mean that she subscribed to any or all of those listservs. Thus, these records are not an accurate reflection of email newsletters or general emails to which she subscribed.

Certain information will not be disclosed because it is exempt from disclosure. The attorney work product exception protects the confidentiality of any writing that reflects an attorney's impressions, conclusions, opinions, legal research or legal theories that is maintained as confidential. (Code Civ. Proc., § 2018.030.) This confidentiality provision is incorporated into the Public Records Act as an exemption from disclosure. (Gov. Code, § 6254, subd. (k); *County of Los Angeles v. Superior Court* (2000) 82 Cal.App.4th 819, 833.) Records such as confidential analyses, draft language and memoranda prepared by attorneys employed with the

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Attorney General's Office are subject to the work product exception and are consequently exempt from disclosure under the Public Records Act. Consequently, we are not producing those documents.

Further, some of the records that you are seeking are exempt from disclosure pursuant to attorney-client privilege. Confidentiality privileges set forth elsewhere in law, including the attorney-client privilege contained in Evidence Code section 954 which protects confidential communications between the attorney and the client, are expressly incorporated into the Public Records Act. (Gov. Code, § 6254, subd. (k); *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.)

In the present case, the attorneys in our department provide legal advice to the Attorney General and his or her designees. Accordingly, all communications between the Attorney General or his or her designees and the department's attorneys concerning health care are confidential communications pursuant to the attorney-client privilege, and are exempt from disclosure under the Public Records Act.

We are continuing to review potentially-responsive records, and will produce the relevant records, if any, at a later point.

Sincerely,

/s/ Lara Haddad

LARA HADDAD
Deputy Attorney General

For XAVIER BECERRA
Attorney General